

REMARKS

Claims 1-32 are pending in the instant application. In a Non-Final Office Action dated July 7, 2009, the Examiner has rejected all of the pending claims as described below. Applicant respectfully traverses.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has asserted that claims 1-32 are anticipated by Osman, United States Patent Publication No. 2004/0024894. Applicant respectfully submits that this rejection was improper for at least the reasons below, and Applicant therefore requests that the rejection be withdrawn and claims 1-32 be allowed.

Applicant first notes that the cited Osman reference is related to the instant application and shares a common assignee and common inventors. In particular, the two inventors of Osman (Osman and Knee) are also co-inventors on the instant application, which includes one additional inventor (Petry). Moreover, the priority date of Osman is August 2, 2002, which predates the priority date of the instant application (October 17, 2002) by less than 3 months.

Accordingly, in a previous reply to a Non-Final Office Action filed on July 7, 2008, Applicant provided Rule 131 declarations for each Applicant, along with supporting documentation in the form of multiple exhibits, evidencing Applicants' prior invention of the claims.

In the instant Office Action, the Examiner has asserted that the provided documentation is insufficient to show conception and diligence in reduction to practice of the instant invention. Applicant respectfully submits that the evidence does sufficiently demonstrate conception and reduction to practice, particularly in view of the common inventorship of the two applications.

Nevertheless, while Applicant strongly disagrees with the Examiner's assertions regarding Osman, in the interest of further prosecution of the instant application, Applicant has cancelled claims 1-9 and 29-32 without prejudice, reserving the right for further prosecution of these claims in a continuation and/or CIP application. In this Office Action Response Applicant has amended claims 10 and 18 as described previously.

Specifically, claim 10 has been amended to include the limitations of parent claims 1, 2 and 9. Applicant respectfully submits that claim 10 is not anticipated by Osman for at least the following reasons.

Claim 10 as amended includes the following language:

receiving said first plurality of messages over a first logical channel;
defining a first class of events corresponding to at least said events of said first type and
said events of said second type;
executing a first event-handling routine applicable to said first class of events;
receiving said second plurality of messages over a second logical channel;
defining a second class of events corresponding to at least said events of said third type
and said events of said fourth type; and
executing a second event-handling routine applicable to said second class of events.

The Examiner asserts that Osman describes all of these limitations, citing merely to paragraph 0123, which is listed below:

[0123] A "recirculation" protocol may first be invoked such that the payload (and/or portions of the header) of an encapsulating message is segmented and reassembled as a message for the encapsulated flow. Note that a single encapsulating message may contain all or part of a plurality of encapsulated messages, and that conversely a single encapsulated message may require a plurality of encapsulating messages to be conveyed (for example, when a large message is encapsulated in a plurality of small packets, such as ATM packets). The recirculation protocol defines appropriate reassembly of the encapsulated message, and also directs that it be returned to the input of the SPPS for further processing. Such a recirculation protocol may format the recirculated message in a particularly efficient format, such as by specifying the local flow ID proxy, the event type, and other useful information as is known. In this manner the SPPS recirculation protocol processor(s) would function similarly to a host operating in close conjunction with the SPPS. Such a host, having knowledge of an ideal format for messages to the SPPS, may speed processing by formatting messages in such ideal format.

This paragraph refers to a "recirculation protocol" for segmenting and reassembling the payload of an encapsulated message, not receiving messages over two or more logical channels. Moreover, the term "logical channel" is not described anywhere else in Osman.

In addition, claim 10, as amended, describes execution of a first event-handling routine and a second event-handling routine, however, these terms are likewise completely absent from Osman. Consequently, Osman, at a minimum, fails to describe these specific claim limitations, and therefore the rejection under 35 U.S.C. 102 is improper as Osman fails to anticipate either of these specifically claimed elements or configurations.

Applicant has corresponding amended claim 18 to include similar limitations.

The Examiner further asserts that newly cited reference Lundstrom describes all of the specific claim limitations. However, with respect to claim 10 and 18, the Examiner merely

makes a blanket assertion that Lundstrom describes all of the specifically claimed elements without providing any indication as to where in Lundstrom he believes these elements are described. Applicant further notes that, at a minimum, the claimed terms “logical channel” and “event handler” are completely absent from Lundstrom, and the Examiner has failed to describe what he believes constitutes corresponding structure or elements.

Applicant respectfully notes that omnibus claim rejections are improper. However, the Examiner has stated nothing in the substantive Detailed Action regarding the specific basis for the rejection claims 10 or 18 in view of Lundstrom. Claim 10 and 18, along with their associated dependent claims each include different scopes of protection, and Applicant respectfully notes that, per MPEP § 707.07(d), all grounds for rejection must be “fully and clearly stated.” Consequently, such omnibus rejections are improper under MPEP § 707.07(d), and therefore, to the extent that the Examiner believes that these claims are not patentable, Applicant respectfully requests the Examiner to provide a detailed discussion as to the manner in which the cited art reads on all of the specific elements of these claims in a new, non-final action.

Concluding Comments

Applicant respectfully requests consideration of the remarks herein prior to further examination of the above-identified application. The undersigned would of course be available to discuss the present application with the Examiner if, in the opinion of the Examiner, such a discussion could lead to resolution of any outstanding issues.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

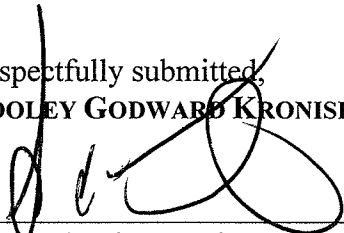
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